



Governor's Juvenile Law Commission

INFORMATION SHARING SUBCOMMITTEE

SUBCOMMITTEE VOTING MEMBERSHIP

The following were the voting members of the Information Sharing Subcommittee:

Co-Chairs:

Ms. Natalie Auberry	Staff Attorney, Indiana Judicial Technology and Automation Committee (JTAC)
Ms. Cathleen Graham	Executive Director, Indiana Association of Residential Child Care Agencies

Members:

Mr. Jeff Bercovitz	Director, Juvenile and Family Law, Indiana Judicial Center
Ms. Roberta Henry-Baker	Executive Director, Indiana Mentor-Alliance
Mr. Don Holderman	Director of Student Services, Muncie Community Schools
Mr. Gary Lamey	Deputy Prosecutor, Hamilton County Prosecutor's Office
Ms. Doris Parlette	Director, Bloomington Juvenile Correctional Facility
Mr. Don Travis	Director, Howard Co. Circuit Court Office of Juvenile Services

OVERVIEW & SUMMARY OF RECOMMENDATIONS

The membership of the Information Sharing Subcommittee respectfully submits the following four (4) recommendations to be considered by the Governor's Juvenile Law Commission membership. In developing these recommendations, the Information Sharing Subcommittee utilized the cornerstone issues, which guide the overall work of the Governor's Juvenile Law Commission.

The following recommendations were developed and discussed using a format that provided subcommittee members with balanced background information regarding the issue so that during meetings members were able to thoroughly discuss, develop and then vote on each recommendation. Each of the recommendations summarized below and described in detail on the following pages, was identified and unanimously recommended to be forwarded for consideration by the full Governor's Juvenile Law Commission membership. The recommendations are as follows:

Recommendation #1

It is recommended that in the future, any development of, substantial modifications, or improvements to information systems that relate to the delivery of services to children and families be presented to a state-level coordinating body.

Recommendation #2

Ensure that each of the child serving systems (education, child protection, juvenile justice, and mental health) structure and manage information-sharing to: 1) Recognize and support the integral role played by families in identifying, developing and guiding the delivery of services; and 2) Recognize parental rights and responsibilities to protect the best interests of their child(ren).

Recommendation #3

It is recommended that an affirmative statutory statement be enacted that promotes effective and appropriate information sharing among and between eligible system professionals and the families with whom they work so as to serve the best interests of children.

Recommendation #4

It is recommended that the Juvenile Law Commission establish a standing information sharing practices and outcomes panel to address the issue of sharing best practices and outcomes data information in order to inform and improve the delivery of services to children and families at both the State and local level.

Detailed descriptions of the preceding four (4) recommendations are provided on the following pages and include the following elements for each recommendation: a) recommendation language, b) background/justification, c) positives/support, d) negatives/opposition (barriers to implementation), e) estimated fiscal impact/recommended implementation timeline.

INFORMATION-SHARING SUBCOMMITTEE

Subcommittee Recommendation (#1)

Recommendation:

It is recommended that in the future, any development of, substantial modifications, or improvements to information systems that relate to the delivery of services to children and families be presented to a state-level coordinating body.

Background/Justification:

Numerous discrete state entities provide services to the same families and children at any given time: FSSA through its Divisions of Family and Children, Child Protective Services, Disability, and/or through its Division of Mental Health; the Department of Education; the Department of Correction; and the Judiciary/Probation/Judicial Center. For over a decade, “public bodies, professional organizations, and business groups have been calling for greater interagency coordination to achieve a more comprehensive approach to providing services for children and families at risk.” OJJDP, *Juvenile Accountability Incentive Block Grants Program Bulletin*, by Julie Slayton, March 2000, p. 1 (hereinafter “JAIBGP Bulletin by Slayton”). “Central to interagency coordination efforts is the establishment of interagency information-sharing networks or programs. More specifically, collaboration and information sharing may provide for multidisciplinary, multiagency approaches to comprehensively address problems posed by juveniles who are at risk of or have already committed serious delinquent or criminal acts. Information-sharing programs also present a way to further partnerships between agencies that are currently engaged with each other to serve these same juveniles, their siblings, or their families.” *Id.*

It is important to note, however, that while an information-sharing program may (and probably would) ultimately result in more cost-effective use of technology and less duplication of effort across agencies and service-providers, the subcommittee currently recommending this program is guided by the fundamental principle of **best interests of the children** served by the State. We are not seeking to create administrative barriers to implementation of necessary technology by requiring additional oversight from an expenditure-approval standpoint.

Statutes/Administrative Rule Changes:

Legislation is not necessarily required for this recommendation, though other states have taken the legislative approach (see “Additional Information,” below).

At the very least, state-level political support will be necessary in order to convince agencies to begin to collaborate.

Implementation Steps/Timeline:

“Interagency partnerships should, where possible, begin by building on existing methods of information sharing.” *JAIBGP Bulletin* by Slayton, p. 2. Indiana Code Sections 4-23-16-1 through – 12 enable and govern the State Information Technology Oversight Commission (“ITOC”). It appears that ITOC would be the appropriate entity to house a committee or subcommittee regarding information-sharing between the State’s juvenile law agencies. ITOC has a Technology Leadership Council which meets once every two months; its members are comprised of representatives from 17 committees, one of which addresses “Human Services” and one of which is dubbed “Public Safety and Justice.” Perhaps members from these two committees could join with other appropriate representatives (see below) to form a subcommittee to continue their current work guided by this Commission’s Recommendations.

The OJJDP has identified and published “Twenty Steps to Successful Information Sharing.” It is telling that the first of these twenty steps is the following:

“Appoint an Information Management Committee composed of representatives from every agency in the juvenile justice system and funding agency officials, legislative staff, management information system experts, community representatives, child welfare agents, and parents.”

JAIBGP Bulletin by Slayton, p. 7. Without enumerating all twenty steps in this summary recommendation, the subcommittee would recommend the following four high-level goals for such an ITOC Information Management Subcommittee to pursue:

- A) To prevent the implementation of system changes or upgrades which might impede information-sharing between and among the various service providers without each participant’s reporting on the proposed change or upgrade and receiving approval from the oversight body;
- B) To develop standard processes for handling data and workflow – e.g., standard common definitions, assessment tools; avoiding the duplication of data at each step as a juvenile offender or child in need of services and/or the child’s family move through the system and come into contact with the various service providers;
- C) To ensure and safeguard confidentiality of sensitive information while at the same time promoting the sharing of non-confidential information among service providers, parents, schools, etc.

- D) To provide a policy-making body to make decisions from which practices can flow – so that the policies guide practices rather than vice-versa.

Barriers to Implementation:

“It is important to stress that in most cases . . . , there are no legal barriers to sharing information. Rather, policies associated with [federal and stated laws], or the lack thereof, may have interfered with the sharing of information between agencies. Many of the legal or ethical concerns associated with the informal information sharing that is already taking place in many communities also can be overcome through the development of a simple consent procedure or a discussion with clients of the need to sometimes share limited amounts of confidential information.”

JAIBGP Bulletin by Slayton, pp. 7-8. In the subcommittee’s view, the main barriers to implementation of this Recommendation are (i) the lack of familiarity between agencies that do not necessarily always work together; (ii) the current technological incompatibilities that have arisen due to the heretofore existing “silo” system of agencies working in parallel rather than in tandem; (iii) any current perceived or actual inability to conduct evaluations of this or other juvenile justice undertakings where there is a lack of common definitions and assessment tools. But at the same time that these are barriers, they are also the problems that the subcommittee has been called upon to propose ways to eradicate. In other words, by recognizing and naming these impediments, we do not intend to acknowledge defeat before the remedial work can even begin.

Estimated Cost/Fiscal Impact:

If an Information Management Committee can be brought together from existing stakeholders in the affected juvenile justice agencies and service providers, the cost should be virtually zero. Obviously, the fiscal impact would grow if it were ultimately determined that a separate office and staff were required to keep track of all the various information-technology initiatives and systems in use by various state entities and service providers.

Additional Information:

In the *JAIBG Bulletin* cited throughout this Recommendation, Slayton cites two programs in other jurisdictions where promising programs for interagency information sharing exist. In 1998, Houston developed a Youth-Focused Community Policing Initiative (YFCP), the goals of which are to improve interagency collaboration; remove legal barriers to information sharing; eliminate service duplication; enhance service coordination; develop a formal structure and process of interagency collaboration; and identify processes and

data systems for resource collection and dissemination. The YFCP, in turn, implemented a Juvenile Accountability Court Program (JACP) in 1999.

Second, in 1995, the Missouri Legislature mandated a coordination of information systems “to allow for tracking of individual children by the juvenile court and the departments of social services, mental health and health.” (Mo. Stat. Rev. § 210.865). This effort has resulted in the development of a system whereby Missouri’s “juvenile justice agencies are able to communicate with each other online, sharing confidential information through a secured network.” *JAIBGP Bulletin* by Slayton, p. 14. Missouri’s effort is supported by a \$6 million grant from the U.S. DOJ’s Office of Community Oriented Policing Services as well as additional funding from the Missouri State Legislature. (The Subcommittee strongly felt that the last sentence of the Missouri statute referenced above should not be recommended, as it is less progressive than Indiana’s current statute.)

INFORMATION-SHARING SUBCOMMITTEE

Subcommittee Recommendation (#2)

Recommendation:

Ensure that each of the child serving systems (education, child protection, juvenile justice, and mental health) structure and manage information-sharing to:
1) Recognize and support the integral role played by families in identifying, developing and guiding the delivery of services; and 2) Recognize parental rights and responsibilities to protect the best interests of their child(ren).

Background/Justification:

The Indiana Juvenile Code recognizes the importance of parental participation in Child in Need of Services cases and in juvenile delinquency proceedings. Parents have a responsibility to provide support for their children and retain the right to make certain decisions for their children. It is only through parental recognition and acceptance of the importance of their role in their child's life that true progress can be made in addressing the problems that brought the child and/or family to the various service system(s). The role of the parent in developing an Individualized Education Plan is another example of the importance of the parent being at the table in the decision-making process.

All efforts to involve the parent must focus on the best interest of the child, the development of a satisfactory treatment plan with reasonable treatment goals that focus on remedying the challenges facing the child, and the removal of any threat, impediment or barrier from the child's attainment of the treatment plan's goals.

Statutes/Administrative Rule Changes:

This recommendation may require policy changes to implement a standardized approach to include parents and caregivers during cross-system planning meetings for their child. Parents should have access to information that identifies their rights and responsibilities (examples are the In the Best Interests of Children: A Parent's Guide to the CHINS Process and a similarly written guide for parents whose children are in the delinquency system.

Implementation Steps/Timeline:

1. Review existing policies in the various child-serving systems for areas to be strengthened so as to support parental involvement as well as areas where parental responsibilities need to be more clearly identified.
2. Identify and develop appropriate training materials for use in case conferencing and in the courtroom;
3. Provide training to those working with parents, including parent representatives in the training.
4. Assure that informational materials are available to parents on entry into any of the child-serving systems.
5. Include parent education groups as a means to get to in the same situation.

Barriers to Implementation:

The major barriers to implementation will be the:

1. Time to review materials;
2. Belief that this is already done in most systems, so no need to change; and,
3. Cost of training and materials.

Estimated Cost/Fiscal Impact:

Staff time to review materials depends on each system. The development of materials may take an investment of funds to pull together current resources, expand and update them (estimate \$20,000.)

Training costs estimated at \$50 per person depends on numbers to be trained.

INFORMATION SHARING SUBCOMMITTEE

Subcommittee Recommendation (#3)

Recommendation:

It is recommended that an affirmative statutory statement be enacted that promotes effective and appropriate information sharing among and between eligible system professionals and the families with whom they work so as to serve the best interests of children.

Background/Justification:

Professionals in the child protection, education, mental health and juvenile justice systems have consistently safeguarded information about children and their families served by their respective systems. Federal and state laws and administrative rules promote this type of vigilance and provide clear guidance that such safeguarding is crucial to obtain the trust of families, while protecting children and families from public scrutiny of private and personal circumstances. It is recognized that the sensitive and identifying information obtained from professionals in these systems should be safeguarded for the benefit of the children and families.

A common sense approach to information sharing that respects the privacy of children but allows a coordinated and cross system service plan to be managed needs to be adopted. While this approach is welcomed by all professionals in each of the systems, there are continual barriers identified that delay timely information sharing. Such untimely responses decrease inter-system service coordination, increase administrative costs and even encourage duplication of services such as development of basic social history and program information summaries and assessments. These barriers are more perceived than actual and all result in a significant amount of time that families spend re-explaining similar and common information and circumstances.

Many communities throughout Indiana have used the authority of the Court to provide a “blanket” or cover of protection to professionals in order to overcome these barriers. This action while effective in the specific community in which it has been established requires significant development and training. It inadvertently encourages inconsistency, various interpretations of purpose and procedure and confusion especially when a professional from outside the jurisdiction becomes involved in providing services to the child or family.

Therefore, an identical easily understood affirmative statement should be enacted in statute in each of the code passages that precede the laws that

govern information sharing for the various child-serving systems. These common prelude statements are intended to provide consistency in policy and procedure to facilitate appropriate exchange of information. This statement should accomplish the following policy objectives:

- 1) The respect for the right of children and families to keep personal and confidential information private and outside the public realm;
- 2) A recognition that cross-system information sharing must enhance or promote the development of a coordinated service plan, reduce duplication of information sharing requirements for families and reduce inter-system cooperation and coordination;
- 3) Reduce unnecessary duplicative administrative procedures and actions by professionals within the various systems that serve children; and
- 4) A requirement that a common training curriculum be established and used by each of the systems serving children and their families.

Similarly, the administrative rules of each affected agency involved in the delivery of these services should be modified to promote and comply with the intent of these affirmative statutory statements.

Statutes/Administrative Rule Changes:

This recommendation requires the establishment of a common affirmative statement in each of the sections of the statutes that govern the management of services for each child and family serving system.

Specifically, these affirmative statements should be included in the following code sections:

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| 1) IC 11- | 5) IC 16- |
| 2) IC 12- | 6) IC 20- |
| 3) IC 12- | 7) IC 31- |
| 4) IC 12- | 8) IC 31- |

A statement can be based upon a variation of the Missouri statute that states:

“All courts holding juvenile jurisdiction and the agencies addressing child protective services, juvenile justice, mental health, health, elementary and secondary education and developmental disabilities shall share information regarding individual children who have come in contact with, or have been provided services by, the courts and such agencies. The state courts administrator and the agencies of child protective services, juvenile justice, mental health, health, elementary and secondary education and developmental disabilities shall coordinate their information sharing systems to allow for sharing of information regarding and tracking of individual children by the courts holding juvenile jurisdiction and the agencies addressing child protective services, juvenile justice, mental health, health, elementary and secondary education,

developmental disabilities and school districts. All information received by the court, any agency or any school district pursuant to this section shall remain subject to the same confidentiality requirements as are imposed on the agency that originally collected the information. All actions described in this section shall be based upon meeting the safety, health and best interests of the child”

Implementation Steps/Timelines:

The following implementation steps must occur in order to achieve the intent of this recommendation:

- 1) Introduction of legislation in the 2005 General Assembly;
- 2) Identification and modification of all applicable state administrative rules and state plans that require changes to meet the intent of the statutes;
- 3) Development of appropriate agency policies and procedures that implement, promote and attain the intent of the statutes and administrative codes;
- 4) Development of a common curriculum that provides cross- agency and cross-system training to all professional involved in service delivery to children and their families;
- 5) Establishment of a common forum to discuss implementation issues and situations that arise from the enactment of these statutes; and,
- 6) Development and implementation of a monitoring, evaluation and quality assurance process to ensure that the privacy of children and families are safeguarded.

Barriers to Implementation:

The major barriers to implementation will be an organizational resistance to re-think the manner in which information is shared. There will be a tendency to safeguard information more restrictively than is required in statute and to lose focus on the intent of sharing the information. The decentralization of services will require exceptional policy development, training and monitoring.

Estimated Cost/Fiscal Impact:

Policy integration and development can be assumed in current operating budgets of the various state agencies. Training development and participation will be a major expense that will have to be deliberately planned to stay within existing budgets.

INFORMATION-SHARING SUBCOMMITTEE

Subcommittee Recommendation (#4)

Recommendation:

It is recommended that the Juvenile Law Commission establish a standing information sharing practices and outcomes panel to address the issue of sharing best practices and outcomes data information in order to inform and improve the delivery of services to children and families at both the State and local level.

Background/Justification:

The ultimate goal of all programs/providers that deliver services to children and families should be to provide needed assistance in the most effective and efficient manner. However, when all programs are compared to each other, it is apparent that certain service programs/providers are better able to accomplish this goal. The recommendation above would ensure that research-based best practice information would be available to all persons and entities who serve the needs of children and families, whether they operate at the State or local level. By making research-based best practice information available to practitioners, the State will better serve children and families by providing access to those practices that have proven to be most effective. This recommendation would ultimately save money and other resources by providing interested programs/providers with practices that have already been proven effective, therefore reducing the chances of duplication of less successful practices.

Statutes/Administrative Rule Changes:

There are currently no statutes that would prevent this recommendation. The addition of a new statute that would specifically address this recommendation might add a certain sense of legitimacy to any determination of a best practice. A statute covering this recommendation could be modeled after Indiana's current drug court certification process.

Implementation Steps/Timeline:

Regardless of the eventual form that this recommendation might take, the following three primary issues would initially need to be addressed:

- Who will serve as members of panel?

- What will be used as the criteria for selecting research-based best practices? (The panel members would likely be asked to come up with the review standards)
- How will the best practice information be made available to practitioners?

The questions of who will serve and what the criteria will be are relatively straightforward. Membership on the panel should be determined by the full Juvenile Law Commission, with those panel members reaching a consensus about the criteria to be used.

The third issue dealing with the method of dissemination of this information remains open for further debate. The most discussed possibility would have the State act as a “clearinghouse” for best practice information. In this role, the panel would be approachable by any program or provider seeking to have their program classified as a best practice. This would consist of the panel determining whether a given program satisfied their criteria for best practice designation. The panel could even be responsible for maintaining some type of central repository of these programs.

The Information Sharing Subcommittee also discussed potential rewards or incentives for best practice “certification.” While there was no consensus on either the necessity of providing specific benefits to best practices or what form those incentives might come in, there was a unanimous sentiment that this panel should not act as an “oversight” body. Programs should not be required to submit to any form of best practice determination, nor should they be penalized for not using the panel as a “clearinghouse.” However, should a program wish to utilize the services herein recommended, the State should be willing and able to work with the program in its continued success. Furthermore, the State should actively seek to replicate these research-based best practices.

NOTE: The Subcommittee is unaware of any jurisdictions that presently have a program such as the one being recommended. At various points during the discussions surrounding this recommendation, Indiana’s Drug Court certification process and the state of Virginia’s statutory SHOCAP standards were mentioned as potential models. For more information on Indiana’s drug courts, please see www.in.gov/judiciary/center/cadp/drugcourts/index.html. Virginia’s statutory SHOCAP standards can be found in Virginia Code §16.1-330.1.

Barriers to Implementation:

A potential barrier would be getting the members of the standing subcommittee or oversight committee to agree on an objective standard for determination of a research-based best practice. It is unclear if all programs are amenable to the same review standard. However, it is essential that there be some objective, impartial, and clear standard of review.

Estimated Cost/Fiscal Impact:

Depending on the exact implementation, this recommendation likely would require some level of initial funding. Much of that cost would depend on the extent of the State's involvement as discussed above in the "Implementation" section. Any cost to the State would ultimately be recovered by avoiding the duplication of less effective practices.